

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JUNE 6, 2011, AT 6:00 P.M.

**PRESENT: BILL ECKLER
SUSAN CROWE
EDDIE HOLLAND
JULIUS OWENS
ROGER RICHARD**

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CALL TO ORDER\ INVOCATION\ PLEDGE OF ALLEGIANCE

Chairman Eckler called the meeting to order. Mr. Jim Bishop gave the invocation, and Commissioner Richard led in the Pledge of Allegiance to the Flag.

PUBLIC HEARING\ BUDGET FISCAL YEAR 2011-2012

Chairman Eckler declared the public hearing open.

Manager Condrey offered a slide presentation reviewing the proposed budget for 2011-2012.

Mr. Zoran Naskov spoke against incurring any new debt. He asked the Commissioners to consider other options and to find a way to get by without borrowing. He was thankful that the budget does not require any tax increases.

Ms. Amy Torvenin stated that she had chosen to keep her children in the Rutherford County schools. The school system is under fire because of budget cuts from the state. She urged Commissioners to lead the way to strengthen the quality of education in the county and to empower the county's children to lead in the future.

Ms. Lisa Store said she was speaking as a concerned parent. She feels her two children have received an excellent education in the county schools. She encouraged the Commissioners not to take money away from the schools, which will affect the children.

Ms. Kelly Wilson said she is very concerned about how the school budget will affect her children. A lot of special children will be left behind if programs are unfunded. She asked the Commissioners to fully fund the Rutherford County Schools budget request.

Ms. Patricia Kuess reviewed the history of the part-time position of recycling specialist that was created two years ago and the enormous success of the recycling program. Additional institutions are expressing interest in participating in recycling, and there is an urgent need to make the position full time to accommodate those requests. She said the job will pay for itself and would not come out of taxpayer money.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

ADOPTION OF AGENDA

Chairman Eckler asked that the TDA appointment be added under Item A. Historic Preservation. He asked that two items be removed from the agenda: Chimney Rock/Lake Lure signage and Arts Council Resolution.

Commissioner Richard stated that the Rules and Procedures do not allow for a supplemental agenda.

Chairman Eckler asked to move the minutes from the May 23 meeting to the regular agenda and to add to the agenda the change in the July meeting date and setting dates for budget meetings in June. He noted that Commissioner Crowe has a request from DSS. The resolution from the TDA is being revised and will be presented to the TDA board before coming back to the Commissioners.

Vice Chairman Owens asked to move nominations to boards and commissions from the supplemental agenda to the regular agenda, as the list has been updated.

Manager Condrey requested that the item regarding Rails to Trails be pulled from the agenda because some information is lacking.

Commissioner Crowe asked that consideration of tax procedure changes be moved to the budget meetings.

Commissioner Crowe made a motion to approve the agenda as amended. The motion was adopted on a vote of 4-1, with Commissioner Richard voting in the negative.

Commissioner Richard stated that it is necessary to be timely in providing information.

Changes to the June 6, 2011 agenda:

- A. Add an appointment to Historic Preservation Commission
- B. Remove Chimney Rock/Lake Lure signage
- C. Remove Arts Council resolution
- D. Add minutes of May 23, 2011
- E. Add meeting date for July, 2011
- F. Add meeting dates for budget discussions
- G. Remove TDA resolution
- H. Add list of boards and commissions in supplemental agenda to regular agenda
- I. Remove Rails to Trails discussion
- J. Move consideration of tax procedure changes to a budget meeting

CONSENT AGENDA.

Commissioner Crowe made a motion to approve the consent agenda. The motion was unanimously adopted.

Minutes

By consent, the minutes of the May 2, May 9, May 11, May 18 and 18, and May 23, meetings were approved.

APPOINTMENTS\HISTORIC PRESERVATION COMMISSION

Vice Chairman Owens made a motion to appoint Alice Bradley, Linda West and a representative from the TDA board to the Historic Preservation Commission.

Commissioner Crowe seconded the motion and amended it to be the approval of the re-appointment of Alice Bradley and Linda West, who are currently serving, and the appointment as new members Gail Strickland and a representative from the TDA.

The amendment was unanimously approved.

Manager Condrey noted that after the TDA chooses a nominee, their nominee will come to the Commissioners for official appointment.

The motion was unanimously approved.

APPOINTMENTS\TDA BOARD

Chairman Eckler read the names of the people who have been nominated to the TDA board. Commissioner Crowe made a motion to approve the appointment of Dan Hegeman, Dawn Hemmelgarn, Sally Leshner, Denise Holland, Jeff Bradley, Ann Washburn Hutchins, Dwayne Harris, Bob Singer, Adrian Wallace, and Lisa Sullivan to the Tourism Development Authority. Commissioner Richard seconded the motion. The motion was unanimously approved.

APPOINTMENTS\AIRPORT AUTHORITY

Vice Chairman Owens made a motion to approve the appointment of Keith Hunter to the Airport Authority to fill the remaining term of Mike Price, who has resigned, He further moved to appoint Jamie Lou Padgett and Bob Howard to the Airport Authority. The motion was adopted on a 4-1 vote, with Commissioner Holland voting no.

APPOINTMENTS\ARTS, PARKS AND RECREATION

Vice Chairman Owens made a motion to approve the re-appointment of Frankie McWhorter and Beth Wheeler, and new appointees Deborah Keller, Jimi Moore, John Lathan and Michelle Whitaker to the Arts, Parks and Recreation Board. The motion was unanimously approved.

APPOINTMENTS\CRIMINAL JUSTICE ADVISORY BOARD

Vice Chairman Owens made a motion to approve the appointment of Robynn Spence, Kevin Lovelace, Chip McIntosh, Lamar Crisp, Mike Davis, Matt Flynn, Maggie Flynn, Brad Greenway, Olivia Burleson, Judge Laura Powell and Sheriff Chris Francis to the Criminal Justice Advisory Board. The motion was unanimously approved.

APPOINTMENTS\ECONOMIC DEVELOPMENT COMMISSION

Chairman Eckler made a motion to approve the appointment of Toby Maxwell, Mike Gavin, Keith Melton, Dwight Hollifield and Carl Parton to serve on the Economic Development Commission. Commissioner Richard seconded the motion. The motion was unanimously approved.

APPOINTMENT\ICC BOARD OF TRUSTEES

Commissioner Holland made a motion to approve the re-appointment of Dr. Bob England to the ICC Board of Trustees in accordance with the recommendation of the ICC board, and further moved that the nominations be closed.

Vice Chairman Owens amended the motion to postpone action on the appointment to the ICC Board of Trustees until the July meeting, at which each Commissioner will present the name of a nominee.

The amended motion passed on a vote of 3-2, with Chairman Eckler, Commissioner Owens and Commissioner Richard voting in favor, and Commissioners Holland and Crowe voting against.

APPOINTMENTS\LIBRARY BOARD OF TRUSTEES

Vice Chairman Owens made a motion to approve the appointment of Renee Putnam and Mary Sandra Costner to the Rutherford County Library Board of Trustees. The motion was unanimously approved.

APPOINTMENTS\PLANNING COMMISSION

Chairman Eckler made a motion to approve the appointment of Amy Jenkins, Aaron Hutchinson, Kim Warner, Danny Wells, Dwayne Harris, Philip Miller, Jimmy Huffstickler, Ronnie

Harrill, John Bittle and Jonathon Hollifield to the Planning Commission. The motion was unanimously approved.

APPOINTMENT\SOCIAL SERVICES BOARD

Vice Chairman Owens nominated himself to serve on the Department of Social Services Board to replace Steve Bedford. The motion passed on a vote of 3-2, with Chairman Eckler, Commissioner Owens and Commissioner Richard voting in favor, and Commissioners Holland and Crowe voting against.

APPOINTMENT\BILL'S CREEK FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND

Vice Chairman Owens made a motion to approve the re-appointment of Kelly Flynn to the Bill's Creek Fire Department board of Trustees for Firemen's Relief Fund. The motion was unanimously approved.

APPOINTMENTS\CAPITAL PLANNING AND FINANCE ADVISORY COMMITTEE

Vice Chairman Owens made a motion to reappoint Joe Joplin, Keith Dobbins, Russ Scherer, Maria Honeycutt to the Capital Planning and Finance Advisory Committee. The motion was unanimously approved.

APPOINTMENT\DOMICILIARY HOME ADVISORY COMMITTEE

Vice Chairman Owens made a motion to reappoint Pam Hutchins to serve on the Domiciliary Home Advisory Committee. The motion was unanimously approved.

APPOINTMENTS\HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

Commissioner Crowe made a motion to appoint Pat Morgan and Julie Scherer to the Home and Community Care Block Grant Committee. The motion was unanimously approved.

APPOINTMENT\SHINGLE HOLLOW FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND

Vice Chairman Owens made a motion to reappoint Randy Hardin to the Shingle Hollow Fire Department Board of Trustees for Firemen's Relief Fund. The motion was unanimously approved.

APPOINTMENTS\JUVENILE CRIME PROTECTION COMMITTEE

Vice Chairman Owens made a motion to accept the recommendations for Charlotte Fish, Karen Lawing, Judy Toney, Helen White, Marilyn Kaylor, Shelly Marquis, Gail Parton, Gina Tipton, Faye Hassell, Barbara Leddy, Jay Jackson and Phillip Cole to serve as members of the Juvenile Crime Protection committee. The motion was unanimously approved.

APPOINTMENTS\TRANSIT ADMINISTRATION

Chairman Eckler made a motion to table action on appointments to the Transit Administration. The motion was unanimously approved.

APPOINTMENTS\WATERSHED REVIEW BOARD

Vice Chairman Owens made a motion to reappoint Bob Owens and Linwood Perry to the Watershed Review Board. The motion was unanimously approved.

APPOINTMENTS\WORKFORCE DEVELOPMENT BOARD

Vice Chairman Owens made a motion to reappoint Wayne Wilson and Sandra Miller to the Workforce Development Board. The motion was unanimously approved.

AMERICAN TRANSMED, INC./EMS

Commissioner Richard introduced Mr. Greg Kirby, representing American TransMed, Inc. Mr. Kirby stated that American TransMed has been a Basic Life Support provider in Rutherford County since 1997. He outlined a request that American TransMed be awarded an Advanced Life Support franchise and mutual aid agreement that would enable them to fill requests for transportation of patients to hospitals outside the community. American Transmed would upgrade the level of care they can provide in order to be able to provide the higher level of service.

Commissioner Richard made a motion to give American Transmed, Inc., a mutual aid agreement and Advanced Life Support franchise agreement. He expressed his opinion that with this additional emergency resource, the county would be in a better position to put an EMS unit in Henrietta.

Attorney Miller suggested that she look over the proposal from American Transmed. She also stated that there would have to be a public hearing before the Commissioners could approve any agreement.

Manager Condrey said that the type of call that American Transmed is proposing to take on constitutes only 4% of the calls in the county but accounts for 20% of the EMS revenue. He noted that the EMS director has provided the Commissioners with a written analysis.

Commissioner Richard said this is a golden opportunity to get a unit in Henrietta and maybe another one in Golden Valley.

Commissioner Crowe said she would like to have the attorney look at the proposal.

Chairman Eckler suggested Mr. Kirby meet with Attorney Miller to prepare a document that would come before the board. He said he would like to see the actual franchise agreement.

Commissioner Holland spoke in favor of tabling the motion while the matter undergoes study. He said the people need a station in Henrietta but that the revenue situation needs to be studied.

Finance Director Scherer said that the proposed budget does not include any funding for a unit in Henrietta.

Mr. Kirby stated that it would take at least thirty days to prepare a document for the Commissioners to review. Commissioner Richard asked that an agreement be drawn up and presented at one of the budget meetings.

Commissioner Richard amended his motion to direct that the necessary documents to give American Transmed, Inc., a mutual aid agreement and Advanced Life Support franchise agreement be drawn up and presented to the Commissioners as early as possible, preferably at an upcoming budget meeting. The motion was approved on a 4-1 vote, with Commissioner Holland casting the dissenting vote.

BUDGET AMENDMENTS

Ms. Scherer of the Finance Department presented the budget amendments. She explained the CDBG grant for a sewer line to the restaurant at Cleghorn County Club. Manager Condrey said that an interlocal agreement with the Town of Rutherfordton and a local developer will be brought to the Commissioners at a later time. Vice Chairman Owens expressed thanks to Mike Hager for his assistance in obtaining the grant.

Commissioner Crowe made a motion to approve the budget amendments, including approval of the CDBG grant, plus the Assessment Policy and administrative contract with Isothermal Planning and Development for the grant. The motion was unanimously adopted.

| | Expense | Revenue |
|---|-----------|-----------|
| GENERAL FUND | | |
| Equipment - Purchased with Seizure Funds | \$ 9,969 | |
| Drug Seizure Funds | | \$ 9,969 |
| * unauthorized substance tax distribution | | |
| Project Lifesaver | \$ 40 | |
| Project Lifesaver Donations | | \$ 40 |
| *donations received | | |
| EMS - Vehicle Maintenance | \$ 10,022 | |
| Insurance Claims and Dividends | | \$ 10,022 |

| | Expense | Revenue |
|--|-----------|-----------|
| *insurance proceeds received | | |
| Detention Building - Skylight Installation | \$ 2,400 | |
| Detention Commissary Funds | | \$ 2,400 |
| *install skylight in female block to expand area and help with overcrowding. See attached letter from the Sheriff. | | |
| GRANT FUND | | |
| Urgent Repairs Program 2010 | \$ 64 | |
| Interest Earnings | | \$ 64 |
| *interest earned | | |
| CDBG - Cleghorn Manor Project | \$ 97,000 | |
| CDBG Economic Development Grant - Cleghorn Manor | | \$ 97,000 |
| *grant received; additional information will be provided with the supplemental agenda | | |

JUVENILE CRIME PROTECTION COMMITTEE APPLICATION

Commissioner Crowe made a motion to approve the application to the state from the Juvenile Crime Protection Committee for 2011-2012 funding. The motion was unanimously approved.

LEASE WITH KD SUPPORT SERVICES

Mr. Donn Snipes presented information on plans for the use of the former Magnolia House at 475 W. Main Street in Forest City. Since last November they have been operating under an agreement with the county for use of the building rent free with the understanding that they would provide services to persons with mental disabilities. Mr. Snipes said that their focus has changed to persons with developmental disabilities and that they are working with Western Highlands to obtain a license to provide these services. The original agreement expires in June and Mr. Snipes asked for additional time to get their programs up and running.

Commissioner Crowe made a motion to approve an agreement with Ariland Healthcare Services for use of the former Magnolia House rent free in exchange for the improvements in the building that have been made.

Vice Chairman Owens offered an amendment to give Ariland Healthcare Services free rent for the use of the former Magnolia House for six months, with responsibility for maintenance assumed by Ariland Healthcare Services, and that a contract would be set forth by the county manager for fair market rent effective January 2012. The vote on the amendment was unanimous.

The vote on the motion was unanimous.

TAX REFUNDS AND RELEASES

Commissioner Crowe made a motion to approve tax refunds of \$5,998.54 and tax releases greater than \$100 totaling \$1,769.01 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$2,027.59, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

The motion was unanimously approved.

FUTURE MEETING DATES

Commissioner Richard made a motion to move the July meeting date to July 11. The motion was unanimously approved.

Chairman Eckler made a motion to schedule budget meetings for June 13 at 9:00 a.m., June 16 at 9:00 a.m., and June 23 at 9:00 a.m. The motion was unanimously approved.

The Commissioners requested that the Department of Social Services Board vote on the DSS budget request prior to the June 13 budget meeting.

RESOLUTION/POTENTIAL 2011 REFINANCING

Finance Director Scherer informed the Commissioners that the markets are favorable for refinancing, although very volatile. She said that depending on conditions on the date of any potential refinancing, it would be possible to generate savings in the range of \$750,000-850,000. She presented a resolution for consideration.

Commissioner Crowe made a motion to approve the resolution authorizing an amendment to the county's installment financing contract to provide for the refinancing of existing county obligations, with an amendment to change the savings threshold from 3.5% to 3.0% of the principal amount refinanced.

Commissioner Richard seconded the motion.

The motion was unanimously approved.

RESOLUTION OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE REFINANCING OF EXISTING COUNTY OBLIGATIONS

WHEREAS, the County of Rutherford, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

WHEREAS, the County has previously entered into an Installment Financing Contract dated as of September 15, 2002 (the "2002 Contract") with the Rutherford County Public Facilities Company (the "Company") in order to pay the capital costs of (1) constructing Spindale Elementary School and Ellenboro Elementary School and an addition to Chase Middle School, (2) acquiring, renovating and equipping an industrial facility, (3) acquiring, constructing, renovating and improving other school facilities and (4) refunding in advance of their maturities the County's installment payments under an installment financing contract dated as of May 15, 1994 (collectively the "2002 Projects") and provided a security interest in Spindale Elementary School, Ellenboro Elementary and Chase Middle School and the sites on which they are located through a Deed of Trust and Security Agreement dated as of September 15, 2002 (the "2002 Deed of Trust"), from the County to the deed of trust trustee named therein; and

WHEREAS, the County has previously entered into an Installment Financing Contract dated as of April 15, 2003 (the "2003 Contract") with the Company in order to pay the capital costs of acquiring, constructing, equipping and furnishing Sunshine Elementary School (the "2003 Project") and provided a security interest in Sunshine Elementary School and the site on which it is located through a Deed of Trust and Security Agreement dated as of April 15, 2003 (the "2003 Deed of Trust"), from the County to the deed of trust trustee named therein; and

WHEREAS, the County has previously entered into an installment financing agreement dated as of September 16, 2005 with Bank of America, N.A., an installment financing agreement dated as of July 30, 2001 with First Union National Bank, now Wells Fargo Bank, N.A., an installment financing agreement dated August 14, 2006 with Branch Banking and Trust Company and an installment financing agreement dated as of March 1, 2009 with Branch Banking and Trust Company (collectively, the "Prior Contracts") to finance various County improvements;

WHEREAS, the Board of Commissioners of the County of Rutherford, North Carolina (the "Board of Commissioners"), determines that it is in the best interest of the County to enter into (a) an amendment to an installment financing contract (the "Contract Amendment") with the Rutherford County Public Facilities Company, a North Carolina nonprofit corporation (the "Company"), to refinance a portion of the 2002 Contract, the 2003 Contract and certain of the Prior Contracts;

WHEREAS, the Board hereby reaffirms each of the findings it made with respect to the Contract Amendment and the refinancing of a portion of the 2002 Contract, the 2003 Contract and the Prior Contracts in the resolution adopted by the Board on September 23, 2010;

WHEREAS, the Company will execute and deliver Limited Obligation Bonds, Series 2011, Evidencing Proportionate Undivided Interests in Installment Payments Pursuant to the 2002 Contract (the "2011 Bonds");

WHEREAS, in connection with the sale of the 2011 Bonds by the Company to Stephens Inc. and, if necessary, a financial institution to be determined by the Finance Director (collectively, the "Underwriters"), the Company will enter into the Contract of Purchase (hereinafter defined) and the County will execute a Letter of Representation to the Underwriters (the "Letter of Representation");

WHEREAS, there have been described to the Board of Commissioners the forms of the following documents (collectively, the "Instruments"), copies of which have been made available

to the Board of Commissioners, which the Board of Commissioners proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the Contract Amendment;
- (2) the Escrow Agreement dated as of July 1, 2011 (the "Escrow Agreement") between the County and U.S. Bank National Association, as escrow agent;
- (3) the Contract of Purchase to be dated on or about June 17, 2011 between the Company and the Underwriters (the "Purchase Contract"); and
- (3) the Letter of Representation;

WHEREAS, to make an offering and sale of the 2011 Bonds, there will be prepared a Preliminary Official Statement (the "Preliminary Official Statement"), a draft thereof having been presented to the Board of Commissioners, and a final Official Statement (collectively with the Preliminary Official Statement, the "Official Statement") with respect to the 2011 Bonds, which Official Statement will contain certain information regarding the County;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the Board of Commissioners did conduct a public hearing on October 4, 2010, to receive public comment on the proposed Contract Amendment; and

WHEREAS, the County has filed an application to the LGC for approval of the Contract Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. Ratification of Instruments. That all actions of the County, the Chairman of the Board of Commissioners (the "Chairman"), the Clerk to the Board of Commissioners (the "Clerk"), the County Manager, the County Finance Director, the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. Authorization of the Official Statement. That the form, terms and content of the Preliminary Official Statement to be dated on or about June 8, 2011 are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement to be dated on or about June 17, 2011 by the Underwriters in connection with the sale of the 2011 Bonds is hereby in all respects authorized, approved and confirmed.

Section 3. Authorization to Execute the Contract Amendment. That the County approves the refinancing of a portion of the 2002 Contract, the 2003 Contract and the Prior Contracts in accordance with the terms of the Contract Amendment, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract Amendment shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective

designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract Amendment, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract Amendment presented to the Board of Commissioners, and that from and after the execution and delivery of the Contract Amendment, the Chairman, the Clerk, the County Manager and the County Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract Amendment as executed.

Section 4. Escrow Agreement. That the form and content of the Escrow Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk, the County Manager and the Finance Director and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Escrow Agreement, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Escrow Agreement presented to the Board of Commissioners;

Section 5. Letter of Representation. That the form and content of the Letter of Representation shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk, the County Manager and the Finance Director and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Letter of Representation, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representation presented to the Board of Commissioners;

Section 6. County Representative. That the Chairman, the County Manager and Finance Director are hereby designated as the County's Representative to act on behalf of the County in connection with the transaction contemplated by the Instruments and the Preliminary Official Statement, and the Chairman, the County Manager and Finance Director are authorized to proceed with the refunding in accordance with the Instruments and to seek opinions as a matter of law from the County Attorney, which County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The County's representative and/or designee or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Preliminary Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The Chairman, the Clerk, the County Manager and the Finance Director of the County or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 7. Savings Threshold. That the Chairman, the County Manager and the Finance Director are hereby authorized to do any and all other things necessary to complete the steps necessary for the execution and delivery of the Contract Amendment, but the County will not execute and deliver the Contract Amendment unless the refinancings resulting therefrom results in an aggregate net present value savings to the County of at least 3.0% of the principal amount refinanced and a net present value savings to the County of at least 2% of the principal amount refinanced with respect to each obligation, all as shown in the financing statistics produced by the Underwriters.

Section 8. Severability. That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 9. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 10. Effective Date. That this Resolution shall become effective on the date of its adoption.

RECESS

7:49 P.M. - Recess
8:00 P.M. - Reconvene

CLOSED SESSION

A motion was made by Commissioner Richard to go into Closed Session to discuss personnel. There was a unanimous vote of approval.

8:00 P.M. - The Board went into Closed Session.
8:50 P.M. - The Board returned to regular session.

CONTRACT RENEWAL\EDC DIRECTOR

Chairman Eckler made a motion to direct the County Attorney to prepare a letter giving notice to EDC Director Tom Johnson that his present contract with the county, which will expire December 31, 2011, will be subject to revision by the Commissioners and will not be automatically renewed under the current terms. The motion was approved on a 4-1 vote, with Commissioner Holland voting against the motion.

ADJOURNMENT

Commissioner Richard made a motion to adjourn. The motion was unanimously approved.

Meeting adjourned at 8:57 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners